

Chapter 1

Ethics Requirements Governing Legislators

Part 1

Ethical Standards for Legislators

JR6-1-101 Legislative ethics.

- (1) The Utah Legislature consists of people who work part-time and must necessarily earn their living in other jobs and professions.
- (2) It is necessary to reconcile the functions of privately employed legislators who have their own private interests with the maintenance of high ethical standards and public confidence.
- (3) In seeking to balance these interests, it is necessary to avoid controls that might be so strict that they discourage capable and honorable persons from entering legislative service.
- (4) It is recognized that public confidence in the Legislature should be promoted and that competent members should serve in the Legislature even though most of them have private interests of various types.
- (5) It is also recognized that a citizen legislator is in a different position in doing business with the state and its political subdivisions than a public servant whose chief source of livelihood is derived from public funds.

JR6-1-102 Code of official conduct.

- (1) Each legislator shall comply with the guidelines established in Subsection (2).
- (2) In judging members of its house charged with an ethical violation, the Senate and House Ethics Committees shall consider whether or not the member has violated any of the following guidelines:
 - (a) Members of the Senate and House shall not engage in any employment or other activity that would destroy or impair their independence of judgment.
 - (b) Members of the Senate and House shall not be paid by a person, as defined in JR6-1-202, to lobby, consult, or to further the interests of any legislation or legislative matter.
 - (c) Members of the Senate and House shall not exercise any undue influence on any governmental entity. "Undue influence" means deceit or threat of violence.
 - (d) Members of the Senate and House shall not engage in any activity that would be an abuse of official position or a violation of trust.
 - (e) Members of the Senate and House shall not use any nonpublic information obtained by reason of their official position to gain advantage over any business or professional competition for activities with the state and its political subdivisions.
 - (f) Members of the Senate and House shall not engage in any business relationship or activity that would require the disclosure of confidential information obtained because of their official position.
 - (g) Members of the Senate and House shall not use their official position to secure privileges for themselves or others.
 - (h) While in session, members of the Senate and House shall disclose any conflict of interest on any legislation or legislative matter as provided in JR6-1-201.
 - (i) Members of the Senate and House may accept small gifts, awards, or contributions if these favors do not influence them in the discharge of official duties.

- (j) Except as provided in Subsection (3), members of the Senate and the House may engage in business or professional activities with the state or its political subdivisions if the activities are entered into under the same conditions and in the same manner applicable to any private citizen or company engaged in similar activities.
 - (k) Legislators may enter into transactions with the state by contract by following the procedures and requirements of Utah Code Title 63G, Chapter 6a, Utah Procurement Code.
- (3)
- (a) As also required by Section 36-19-1, a legislator, member of the legislator's household, or client may not be a party to or have an interest in the profits or benefits of a state contract when the state contract is the direct result of a bill sponsored by the legislator, unless the contract is let in compliance with state procurement policies and is open to the general public.
 - (b) Besides the penalties authorized by these rules, Section 36-19-1 also provides that any person violating this section is guilty of a class B misdemeanor.

JR6-1-103 Receipt of campaign donations.

- (1) As used in this section:
- (a) "Campaign contribution" means cash or a negotiable instrument contributed for a political purpose to a campaigner.
 - (b) "Campaigner" means:
 - (i) a legislative office candidate;
 - (ii) an individual who holds a legislative office;
 - (iii) a personal campaign committee of a person described in Subsection (1)(b)(i) or (ii);
 - (iv) a political action committee controlled by a person described in Subsection (1)(b)(i) or (ii); or
 - (v) a person acting on behalf of a person described in Subsections (1)(b)(i) through (iv).
 - (c) "Capitol hill" is as defined in Utah Code Section 36-5-1.
 - (d) "Indirect campaign contribution" means a campaign contribution that is delivered to a campaigner:
 - (i) when the campaigner is not present; or
 - (ii) via a third party or delivery service.
 - (e) "Political purpose" has the same meaning as "political purposes" as defined in Utah Code Section 20A-11-101.
- (2)
- (a) A campaigner may not accept receipt of a campaign contribution on capitol hill.
 - (b) A legislator who is in violation of this section is subject to an ethics complaint regardless of whether the violation occurred while the legislator was a legislative office holder or a legislative office candidate.
- (3) Notwithstanding Subsection (2), a campaigner shall not be considered to have accepted receipt of a campaign contribution if:
- (a) the campaign contribution is an indirect campaign contribution; and
 - (b) the campaigner promptly:
 - (i) returns the campaign contribution to the donor; or
 - (ii) refuses the campaign contribution in a written communication or other verifiable manner.

Part 2

Conflicts of Interest

JR6-1-201 Declaring and recording conflicts of interest -- Financial disclosure form.

- (1) As used in this section, "conflict of interest" means the same as that term is defined in Utah Code Section 20A-11-1602.
- (2) A legislator shall file a financial disclosure form in compliance with Utah Code Section 20A-11-1603 and according to the requirements of this section:
 - (a) on the first day of each general session of the Legislature; and
 - (b) each time the legislator changes employment.
- (3) The financial disclosure form shall include the disclosures required by Utah Code Title 20A, Chapter 11, Part 16, Financial Disclosures.
- (4)
 - (a) The financial disclosure form shall be filed with:
 - (i) the secretary of the Senate, for a legislator that is a senator; or
 - (ii) the chief clerk of the House of Representatives, for a legislator that is a representative.
 - (b) The secretary of the Senate and the chief clerk of the House of Representatives shall ensure that:
 - (i) blank financial disclosure forms are made available on the Internet and at the offices of the Senate and the House of Representatives; and
 - (ii) financial disclosure forms filed under this rule are made available to the public on the Internet and at the offices of the Senate or the House of Representatives.
- (5)
 - (a) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest which is not stated on the financial disclosure form, that legislator shall orally declare to the committee or body before which the matter is pending:
 - (i) that the legislator may have a conflict of interest; and
 - (ii) what that conflict is.
 - (b) The secretary of the Senate or the chief clerk of the House of Representatives shall:
 - (i) direct committee secretaries to note the declaration of conflict of interest in the minutes of any committee meeting; and
 - (ii) ensure that each declaration of conflict declared on the floor is noted in the Senate Journal or House Journal.
- (6) This requirement of disclosure of any conflict of interest does not prohibit a legislator from voting on any legislation or legislative matter.

JR6-1-202 Disclosure of outside remuneration.

- (1) As used in this section:
 - (a) "Person" includes an individual, partnership, association, organization, company, and bodies politic and corporate or a lobbyist from any of these.
 - (b) "Person" does not include a person who provides the legislator's primary source of income.
- (2) If any person provides remuneration to a legislator to compensate that legislator for a loss of salary or income while the Legislature is in session, that legislator shall file a written disclosure identifying:
 - (a) that the legislator receives remuneration; and
 - (b) the name of the person who provides the remuneration.

- (3)
 - (a) The legislator shall file the disclosure by February 1 of each year with:
 - (i) the secretary of the Senate, if the legislator is a senator; or
 - (ii) the chief clerk of the House of Representatives, if the legislator is a representative.
 - (b) This disclosure is available to the public.

Part 3

Ethics Training

JR6-1-301 Ethics training course -- Internet availability -- Content -- Participation tracking.

- (1) The Office of Legislative Research and General Counsel shall develop and maintain an ethics training course for members of the Legislature.
- (2) The ethics training course shall include training materials and exercises that are available on the Internet to legislators and to the public.
- (3) The ethics training course shall be designed to assist legislators in understanding and complying with current ethical and campaign finance requirements under state law, legislative rules, and federal law.
- (4) The ethics training course shall include provisions for verifying when a legislator has successfully completed key training exercises.
- (5) A legislator shall successfully complete the key training exercises of the ethics training course once each year or as directed by the Legislative Management Committee.